

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 594-B
Case No. 88-6C
(Vanguard Building - PUD)
January 13, 1992

By Z.C. Order No. 594 dated November 14, 1988, the Zoning Commission for the District of Columbia approved an application of the Vanguard Associates for consolidated review of a Planned Unit Development (PUD). The PUD site is Lot 866 in Square 117 located at 1111 20th Street, N.W. The applicant proposed to renovate and expand an existing office structure.

By Z.C. Order No. 594-A dated April 16, 1990, the Zoning Commission approved a one-year extension of the validity of Z.C. Order No. 594.

Z.C. Order No. 594 approved the PUD project, subject to certain guidelines, conditions, and standards. One of the conditions of approval states that:

"The Planned Unit Development approved by the Zoning Commission shall be valid for a period of 2 years from the effective date of this order. Within that time, application must be filed for the building permit, as specified in 11 DCMR 2407.2 and 2407.3. Construction shall start within 3 years of the effective date of this order."

Z.C. Order No. 594 became final and effective on December 23, 1988. The validity of that order is for two years; that is, until December 23, 1990. Z.C. Order No. 594-A remained valid until December 23, 1991.

11 DCMR 2406.10 allows for the Zoning Commission to extend the validity of a PUD "for good cause shown," upon the request of the applicant being made prior to the expiration of the PUD.

By letter dated November 7, 1991, from counsel for the applicant, the applicant requested a two-year extension of the validity of Z.C. Order Nos. 594 and 594-A; that is, until December 23, 1993.

The applicant indicated that the grounds for the Zoning Commission approval of the PUD remain unchanged. The site is still zoned C-3-C, and is in the Central Employment Area and designated high density commercial on the Comprehensive Plan Land Use Map.

The Zoning Commission recognized the appropriateness of greater development by designating this the New Downtown, a receiving zone for Transferable Development Rights from the Downtown Development District (11 DCMR 1709.4). Use of TDR's would permit a matter-of-right development at the site of 9.0 FAR.

In requesting this extension, the applicant sets forth the following reasons:

- a. Significant public benefits and amenities will be realized by the District and the immediate neighborhood. The most exciting of the amenities offered is the contribution of \$470,000 to the Stevens Elementary School. These funds are to be used, for curriculum, program or equipment, as determined by the School. The applicant has unilaterally decided to give \$50,000 to Stevens in March, 1990. This contribution allowed the school to continue to participate in a computer program which will be expanded as additional funds are received. As the attached affidavit of the Principal of Stevens states, the applicant and the School are discussing the possibility of another advance of the payment schedule set out in the Order. Given the current financing climate, as further detailed below, a time extension is necessary to ensure that the PUD and the amenity can go forward.
- b. The request for extension of time is based upon the difficulty in obtaining financing for the project. As the attached affidavit of Richard S. Cohen states, the applicant has made substantial efforts without success in the present economic climate. Since the approval of this project, the applicant has made a concerted effort to obtain financing. There has been no improvement in the financial market relative to real estate financing. The applicant has continuously sought permanent financing for the project, but as yet has been unable to secure financing or a lead tenant.

In order to permit the applicant adequate time to obtain financing, finalize the drawings and begin construction, the applicant requests that the validity of the PUD Order be extended by two years.

The District of Columbia Office of Planning (OP) by memorandum dated November 25, 1991, recommended that the validity of the PUD be extended for two years.

The Zoning Commission received no comments from Advisory Neighborhood Commission - 2B, nor any other person.

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Pursuant to 11 DCMR 2406.10 of the Zoning Regulations, the Zoning Commission believes that the applicant has shown good cause for the extension of time without further public hearing.

The Commission concurs with the applicant and OP and believes that a two-year extension of the validity of the PUD is appropriate.

The Commission further believes that an extension of time, as requested by the applicant, is not unreasonable, that the rationale for granting approval for the PUD has not changed, and that no adverse consequences will result for approving the request.

The Commission determined that an extension of time, as requested by the applicant, is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

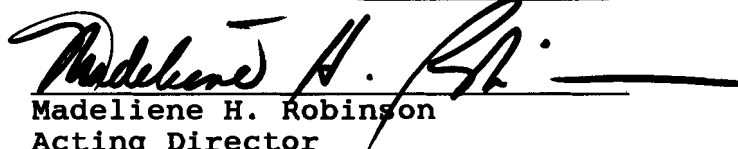
It is therefore ordered that the validity of Zoning Commission Order Nos. 549 and 549-A are EXTENDED for a period of two years; that is, until December 23, 1993. Prior to the expiration of the time, the applicant shall file an application for a building permit, as specified in 11 DCMR 2406.8. Construction shall start not later than December 23, 1994.

Vote of the Zoning Commission taken at the monthly meeting on December 9, 1991: 5-0 (John G. Parsons, Lloyd D. Smith, Tersh Boasberg, William L. Ensign and Maybelle Taylor Bennett, to extend two years).

This order was adopted by the Zoning Commission at the public meeting on January 13, 1992 by a vote of 4-0 - (William L. Ensign, Lloyd D. Smith, Tersh Boasberg and Maybelle Taylor Bennett, to adopt - John G. Parsons, not present, not voting).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register, that is, on JAN 14 1992.


Maybelle Taylor Bennett
Chairperson
Zoning Commission


Madeliene H. Robinson
Acting Director
Office of Zoning

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